IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15854 of 2004

Between:

M/s. Hindustan Lever Limited, Moosapet, Hyderabad rep by Manager-Sales Tax (Appeals), Mr. Y. Mani

..... PETITIONER

AND

1 The Assistant Commissioner (CT) LTU, Hyderabad Rural Division,

Hyderabad
2 The Appellate Deputy Commissioner (CT) Hyderabad Rural

Division, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction restraining the first respondent from taking any coercive steps for recovery of the balance disputed tax of Rs. 6,66,121/- for the assessment year 2000-01 pending disposal of the appeal filed by the petitioner before the Sales Tax Appellate Tribunal

Counsel for the Petitioner:MR.P.SRINIVASA REDDY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

Out of the original demand of Rs.119 lakhs, the petitioner has already paid an amount of Rs.60 lakhs, which includes Rs.7 lakhs, which was undisputed. In the appeal, the petitioner has got the relief and demand is reduced to Rs.6.67 lakhs, against which, a second appeal is filed.

Since the petitioner has paid Rs.60 lakhs on the demand and only dispute remains with respect to an amount of Rs.6.67 lakhs, we feel stay should have been granted to the petitioner.

Therefore, we allow the writ petition and grant stay of recovery of the balance disputed tax till disposal of the appeal filed by the petitioner before the Sales Tax Appellate Tribunal. No order as to costs.

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(BILAL NAZKI, J)

7th September, 2004

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(S.ANANDA REDDY,J)

vrn

To

1 The Assistant Commissioner (CT) LTU, Hyderabad Rural Division,

Hyderabad
2 The Appellate Deputy Commissioner (CT) Hyderabad Rural

Division, Hyderabad

3 Two C.Cs to the Government Pleader for Commercial Taxes,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D. copies